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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,580	11/12/2003	Woo Seong Yoon	1630-0412PUS1	2013

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BIRCH STEWART KOLASCH & BIRCH  
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FALLS CHURCH, VA 22040-0747

EXAMINER
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DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2451

NOTIFICATION DATE	DELIVERY MODE
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08/06/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/713,580	<b>Applicant(s)</b> YOON ET AL.	
	<b>Examiner</b> Khanh Q. Dinh	<b>Art Unit</b> 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15-17,19-22,25,26,28-39 and 42-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,12,13,15-17,19-22,25,26,28-37,39,42-45 and 50-54 is/are rejected.
- 7) ☒ Claim(s) 3-11,38,41 and 46-49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/30/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This is in response to the Amendment and Remarks filed 3/30/2009. Claims 1, 3-13, 15-17, 19-22, 25, 26, 28-39 and 42-54 are presented for examination.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21 (2) of such treaty in the English language.

3. Claims 1, 12-13, 15-17, 19-22, 25, 26, 28-37, 39, 42-45, 50-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Lamkin et al., US Pub. no.20050251749.

As to claim 1, Lamkin discloses a method for reproducing contents information in an interactive optical disc device, comprising the steps of:

(a) synchronously reproducing data read from recording medium and contents information sent and downloaded from a contents provider server connected via the

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Internet, said content information being associated with the data read from the recording medium (synchronizing the playback of data information both network and readable medium, see abstract, figs.1, 2, [0034] to [0041] and claim 1);

b) sending a command for requesting re-sending of specific contents information to the contents provider server, with reference to specific information contained in normally reproduced last contents information, if reception of said contents information from said contents provider server is suspended or delayed (sending contents information if the contents server provider is suspended or delayed, see [0047] to [0053] and claims 1 and 3); and c) synchronously reproducing said specific contents information re-sent from said contents provider server in response to said command and data read from said recording medium (optical disc) (re-synchronizing and reproducing said data read from said interactive optical disc and re-sent specific contents information based upon the extracted specific information, see [0054] to [0066] and [0078] to [0083] and claim 1);

wherein said specific information contained in said normally reproduced last contents information includes at least one contents information offset information, and offset information of said data read from said recording medium (reproduced content information including offset information read from interactive optical drive, see [0106] to [0110] and [0115] to [0118] and claim 2).

As to claim 12, Lamkin discloses a method for providing contents information in a contents provider server, comprising the steps of: a) sequentially sending data packets

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containing contents information whose sending is requested by a device connected via the Internet, and specific information regarding said contents information whose sending is requested, said content information being associated with the data read from the recording medium (synchronizing the playback data of both network and readable medium, see abstract, figs.1, 2, abstract, [0034] to [0041] and claim 1); b) receiving a command for requesting re-sending of specific contents information, from said device if reception of said contents information from said contents provider server is suspended or delayed (sending contents information if the contents server provider is suspended or delayed, see [0047] to [0053] and claim 1); and c) re-sending a data packet containing said specific contents information and specific information regarding said specific contents information to said device in response to said command (see [0054] to [0066] and [0078] to [0083] and claims 1 and 3).

As to claim 13, Lamkin discloses said sent contents information is audio data to be reproduced synchronously with video data read from an recording medium in said interactive device (see [0092] to [0104]).

As to claim 15, Lamkin discloses said command for requesting the re-sending of said specific contents information includes a parameter, said parameter being information regarding said specific contents information (see [0114] to [0126]).

As to claim 16, Lamkin discloses said step c) includes the steps of: c-1) seeking a position of data corresponding to said information regarding said specific contents information; c-2) sending a command for notification of the re-sending of said specific contents information to said device; and c-3) reading said specific contents information

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at said position and re-sending said data packet containing said specific contents information and said specific information regarding it to said device (see [0054] to [0066] and [0078] to [0083]).

As to claims 17 and 25, Lamkin discloses a method for reproducing contents information in an interactive optical disc device, comprising the steps of: a) downloading offset table information from a contents provider server connected via the Internet, said offset table information including at least one play back time information, offset information of data read from a recording medium and contents information offset information in a linked manner (synchronizing the playback data of both network and readable medium, see abstract, figs. 1, 2, abstract, [0034] to [0041] and claim 1); b) reproducing contents information sent and downloaded from said contents provider server and data read from an said recording medium, said contents information being associated with the data read from the recording medium (see [0047] to [0053] and claims 1-3); and c) sending a command for requesting re-sending of specific contents information to the contents provider, with reference to said offset table information, if the sending of said contents information from said contents provider server is suspended or delayed (see [0054] to [0066] and [0078] to [0083] and claim 3); and d) reproducing said specific contents information re-sent from said contents provider server in response to said command together with data read from said interactive optical disc while re-synchronizing it with said data read from said recording medium (see [0054] to [0066] and [0078] to [0083]).

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As to claim 19, Lamkin discloses said step c) includes the steps of: c-1) extracting information regarding normally reproduced last contents information from said offset table information if the sending of said contents information from said contents provider server is suspended or delayed; c-2) calculating information regarding re-synchronizable contents information based upon the extracted information and c-3) generating a command for requesting re-sending of specific contents information corresponding to the calculated information regarding said re-synchronizable contents information and sending the generated command to said contents provider server (see [0054] to [0066] and [0078] to [0083]).

As to claim 20, Lamkin discloses said information regarding said re-synchronizable contents information is calculated with reference to a bandwidth of a current network bit rate (see [0054] to [0066] and [0078] to [0083]).

As to claim 21, Lamkin discloses said command for requesting the re-sending of said specific contents information includes a parameter, said parameter being said information regarding said re-synchronizable contents information (see [0107] to [0113]).

As to claim 22, Lamkin discloses said step d) includes the steps of: d-1) receiving a command for notification of the re-sending of said specific contents information from said contents provider server; and d-2) after said re-sending notification command is received, reproducing said specific contents information re-sent from said contents provider server together with said data read from said interactive optical disc while re-synchronizing it with said data read from said interactive optical disc (see [0054] to

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[0066] and [0078] to [0083]).

As to claim 26, Lamkin discloses said sent contents information is audio data to be reproduced synchronously with video data read from an interactive optical disc in said interactive optical disc device (see [0054] to [0066] and [0078] to [0083]).

As to claim 28, Lamkin discloses said command for requesting the re-sending of said specific contents information includes a parameter, said parameter being information regarding said specific contents information (see [0107] to [0113]).

As to claim 29, Lamkin discloses said step d) includes the steps of: d-1) seeking a position of data corresponding to said information regarding said specific contents information; d-2) sending a command for notification of the re-sending of said specific contents information to said interactive optical disc device; and d-3) reading said specific contents information at said position and re-sending it to said device (see [0114] to [0126]).

As to claim 30, Lamkin discloses a method for reproducing contents information in a device, comprising the steps of: a) synchronously reproducing data read from a recording medium and contents information sent and downloaded from a contents provider server connected via the Internet, said contents information being associated with the data read from the recording medium (synchronizing the playback data information of both networks and readable medium, see abstract, figs. 1, 2, abstract, [0034] to [0041] and [0161] to [0167] and claim 1); and b) sending a command for requesting adjustment of a contents information bit rate to said contents provider server, if a size of contents information downloaded into a buffer memory of said recording



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medium device and not reproduced yet is smaller than or equal to a first predetermined reference value or greater than or equal to a second predetermined reference value (see [0054] to [0066] and [0078] to [0083]).

As to claim 31, Lamkin discloses said step a) includes the steps of: a-1) over said Internet, attempting a connection to said contents provider server having said contents information to be reproduced synchronously with said data read from said recording medium (see [0054] to [0066]); a-2) generating a command for requesting sending of said contents information, based upon information necessary for the connection sent from said contents provider server, and sending the generated command to said contents provider server; and a-3) synchronizing and reproducing said contents information sent and downloaded from said contents provider server in response to said sending request command and said data read from said recording medium (see [0054] to [0066] and [0078] to [0083]).

As to claim 32, Lamkin discloses said information necessary for the connection sent from said contents provider server includes an Internet protocol (IP) address and port number of said contents provider server (see [0161] to [0168] and [0172] to [0174]).

As to claim 33, Lamkin discloses said command for requesting the adjustment of said contents information bit rate includes a parameter, said parameter being an available memory size of said buffer memory (see [0161] to [0168] and [0172] to [0174] and claim 30).

As to claim 34, Lamkin discloses a method for providing contents information in a contents provider server, comprising the steps of:

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a) sequentially sending contents information whose sending is requested by an interactive optical disc device connected via the Internet, said contents information being associated with the data read from the recording medium (synchronizing the playback of both network and readable medium, see abstract, figs.1, 2, abstract, [0034] to [0041] and [0161] to [0167] and claims 1-3); and b) adjusting the bit rate in response to a command for requesting adjustment of a contents information bit rate is received from said interactive optical disc device and sending the requested contents information at the adjusted bit rate (see [0054] to [0066] and [0078] to [0083] and claim 30).

As to claim 35, Lamkin discloses said step a) includes the steps of: a-1) sending information necessary for the connection to said device if a connection from said device is requested over said Internet,; and a-2) sequentially sending said contents information whose sending is requested by said device, if a command for requesting sending said contents information is received from said device (see [0054] to [0066] and [0078] to [0083]).

As to claim 36, Lamkin discloses said information necessary for the connection includes an IP address and port number of said contents provider server (see [0054] to [0066] and [0078] to [0083]).

As to claim 37, Lamkin discloses said command for requesting the adjustment of said contents information bit rate includes a parameter, said parameter being an available memory size of a buffer memory of said interactive optical disc device.

Claims 39, 42, 43-45, 50-54 are rejected for the same reasons set forth in claims 1, 4, 5,

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6, 7, 1,6, 4, 5, 6 respectively.

### **Allowable Subject Matter**

4. Claims 3-11, 38, 41, 46-49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### **Response to Arguments**

5. Applicant's arguments filed on 3/30/2009 have been fully considered but they are not persuasive.

- Applicant asserts that the cited reference does not disclose wherein said specific information contained in said normally reproduced last contents information includes at least contents information offset information, and offset information of said data read from said recording medium.

Examiner respectfully disagree. Examiner respectfully point out that Lamkin discloses the specific information contained in said normally reproduced last contents information includes at least one of contents information offset information, and offset information of said data read from said recording medium (reproduced content information including offset information read from interactive optical drive, see [0106] to [0110] and [0115] to [0118] and claim 2) as rejected above.

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- Applicant asserts that the cited reference does not disclose sending a command for bit rate adjustment.

Examiner respectfully point out that Lamkin discloses ending a command for bit rate adjustment (adjusting the **bit rate** in response to the received command and sending the requested contents information at the adjusted **bit rate**, see claim 30).

- Applicant asserts that Examiner can not use the Lamkin reference since the earliest filing date is May 5, 2005.

Examiner respectfully point out that Examiner can use the earliest filing date available (Lamkin reference is a continuation of 09935756, filed 08/21/2001, now US Pat. no.7,178,106 which claims priority from Provisional Application 60226758, filed 08/21/2000). Therefore, Examiner can use the earliest priority date of 08/21/2000 which is before the instant Application's filing date of 11/12/2003. The Applicant's argument is found not persuasive.

As a result, cited prior art does disclose a method for reproducing contents information in a device, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

### **Conclusion**

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**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**7.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FOLLANSBEE JOHN, can be reached on (571) 272-3964. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to: Commissioner for patents

P O Box 1450

Alexandria, VA 22313-1450

/Khanh Dinh/

Primary Examiner, Art Unit 2451